

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

OSAGE NATION, )  
                    )  
Plaintiff,       )  
                    )  
vs.               ) Case No. 01-CV-0516-JHP-FHM  
                    )  
THOMAS E. KEMP, JR., Chairman of       )  
the Oklahoma Tax Commission; JERRY     )  
JOHNSON, Vice-Chairman of the         )  
Oklahoma Tax Commission; and         )  
CONSTANCE IRBY, Secretary-Member    )  
of the Oklahoma Tax Commission,        )  
                    )  
Defendants.       )

**DEFENDANTS' PRELIMINARY LIST OF EXHIBITS**

Defendants Thomas E. Kemp, Jr., Chairman of the Oklahoma Tax Commission, Jerry Johnson, Vice-Chairman of the Oklahoma Tax Commission, and Constance Irby, Secretary-Member of the Oklahoma Tax Commission, pursuant to the Court's scheduling order, hereby submit their preliminary list of exhibits for the above-referenced case.

1.     Act of February 27, 1925, 43 Stat. 1008, ch. 359;
2.     Act of June 26, 1936, 49 Stat. 1967, ch. 831;
3.     Act of March 2, 1929, 45 Stat. 1478;
4.     Act of March 3, 1905, 33 Stat. 1061, ch. 1479;
5.     Act of March 3, 1921, 41 Stat. 1249, ch. 120;
6.     Act to Confirm to the Great and Little Osage Indians a Reservation in the Indian Territory, Act of June 5, 1872, 17 Stat. 228, ch. 310;
7.     Act to Provide for the Granting of Certificates of Competency to Certain Members of the Osage Tribe of Oklahoma, Act of February 5, 1948, 62 Stat. 18, ch. 46;

8. Oklahoma Enabling Act, Act of June 16, 1906, 34 Stat. 267, ch. 3335;
9. Oklahoma Indian Welfare Act, 49 Stat. 1967, ch. 831;
10. Oklahoma Organic Act, Act of May 2, 1890, 26 Stat. 81, ch. 18;
11. Osage Allotment Act, Act of June 28, 1906, 34 Stat. 539, ch. 3572;
12. Fifteenth Census of the United States taken in the year 1930;
13. Fourteenth Census of the United States taken in the year 1920;
14. Thirteenth Census of the United States taken in the year 1910;
15. Twelfth Census of the United States taken in the year 1900;
16. March 24, 1972, letter from Office of the Secretary, United States Department of the Interior, to Honorable Henry M. Jackson;
17. Presidential Proclamation 780 of November 16, 1907;
18. Report of the Department of the Interior for the Fiscal Year ended June 30, 1908, H. Doc. No. 1046, 60<sup>th</sup> Cong., 2d Sess. (1909);
19. Report of the Department of the Interior for the Fiscal Year ended June 30, 1909, H. Doc. No. 107, 61<sup>st</sup> Cong., 2d Sess. (1910);
20. Report of the Department of the Interior for the Fiscal Year ended June 30, 1910, H. Doc. No. 1006, 61<sup>st</sup> Cong., 3d Sess. (1911);
21. Report of the Department of the Interior for the Fiscal Year ended June 30, 1907, H. Doc. No. 5, 60<sup>th</sup> Cong., 1st Sess. (1907);
22. 1907-09 Oklahoma Session Laws, ch. 81;
23. Hearing before the Subcommittee on Indian Affairs of the Committee of the Interior and Insular Affairs, United States Senate, 92<sup>nd</sup> Cong., 2d Sess. (March 28, 1972);
24. S. Rep. No. 1232, 74<sup>th</sup> Cong., 1<sup>st</sup> Sess. 6 (1935);

25. S. Rep. No. 93-1324, 93rd Cong., 2d Sess. (December 11, 1974);
26. S. 8554, 35 Stat. 778, ch. 256;
27. 1907 Oklahoma Constitution, Article X, Section 12;
28. FRANCES PAUL PRUCHA, THE GREAT FATHER (1984);
29. Berlin B. Chapman, "Dissolution of the Osage Reservation," 20 Chronicles of Oklahoma (1942);
30. TERRY P. WILSON, THE UNDERGROUND RESERVATION: OSAGE OIL (1985);
31. W. DAVID BAIRD, THE OSAGE PEOPLE (1972);
32. Agency Superintendant's Report, 1916, 1919, 1920, 1921, 1922; and
33. 2008 Osage County Plat Book.
34. Any exhibit, listed by Plaintiffs, to which Defendants do not object.

Due to ongoing discovery, Defendants reserve their rights to modify, supplement, or amend these lists as necessary in response to and in conjunction with further discovery in the manner provided by law. In addition, Defendants reserve the right to object to exhibits of the Plaintiff.

**Oklahoma Tax Commission**

Douglas B. Allen, General Counsel  
Guy L. Hurst, Assistant General Counsel  
Oklahoma Tax Commission  
120 N. Robinson  
Suite 2000 W  
Oklahoma City, Oklahoma 73102  
Phone: (405) 319-8550  
Fax: (405) 601-7144

**MODRALL, SPERLING, ROEHL,  
HARRIS & SISK, P.A.**

*Electronically Filed 12/15/08*  
By: /s/ William C. Scott  
Lynn H. Slade  
William C. Scott  
Attorneys for Defendants  
Post Office Box 2168  
Bank of America Centre  
500 Fourth Street NW  
Suite 1000  
Albuquerque, New Mexico  
87103-2168  
Phone: (505) 848-1800  
Fax: (505) 848-1889

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of December, 2008, a true and complete copy of the Within and foregoing **DEFENDANTS' PRELIMINARY LIST OF EXHIBITS** was electronically transmitted to the Clerk of Court using ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Gary S. Pitchlynn, OBA #7180  
O. Joseph Williams, OBA #19256  
Pitchlynn & Williams, PLLC  
124 East Main Street  
P. O. Box 427  
Norman, Oklahoma 73070  
*Attorneys for Plaintiff*  
E-mail:[gspitchlynn@pitchlynnlaw.com](mailto:gspitchlynn@pitchlynnlaw.com)  
[jwilliams@pitchlynnlaw.com](mailto:jwilliams@pitchlynnlaw.com)

**MODRALL, SPERLING, ROEHL, HARRIS & SISK, P.A.**

By: /s/ William C. Scott  
William C. Scott

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